EXHIBIT A

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

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PERSONALIZED USER MODEL, L.L.P.,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

: CIVIL ACTION

: NO. 09-525-LPS

- - -

Wilmington, Delaware
Wednesday, September 8, 2010
TELEPHONE CONFERENCE

- - -

BEFORE: HONORABLE **LEONARD P. STARK**, U.S.D.C.J.

- - -

APPEARANCES:

MORRIS NICHOLS ARSHT & TUNNELL, LLP
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and

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and

SONNENSCHEIN NATH & ROSENTHAL, LLP
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and

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EUGENE NOVIKOV, ESQ.
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P R O C E E D I N G S

(REPORTER'S NOTE: The following telephone conference was held in chambers, beginning at 10:08 a.m.)

THE COURT: Good morning, everybody. This is Judge Stark. Who is there, please?

MS. JACOBS LOUDEN: Good morning, your Honor. For the plaintiff, this is Karen Jacobs Louden for Morris Nichols; and I have on the line with me Marc Friedman, Mark Nelson and Jennifer Bennett from the Sonnenschein firm.

THE COURT: Okay.

existing schedule. It's not overly complicated; and now that the case is in your camp, I would think entering a scheduling order that sets forth those dates and a Markman and pretrial conference is the way to proceed.

THE COURT: Okay.

MR. PERLMAN: Your Honor, this is Dave Perlman. Can I address one thing?

THE COURT: Just briefly.

MR. PERLMAN: Yes. I think if you look at the ***Fenster*** case, it wasn't -- the reduction to claims was not done after the close of fact discovery, and I think that the order reducing the number of claims actually came before the Markman hearing. I think that that is important as a factual point of view in plaintiff's attempt to distinguish these cases. And as far as limiting the claim terms at issue, I mean the number of terms at issue is directly related to the claims; and the way to limit it, as courts have routinely recognized, is through the amount of claims asserted.

If plaintiff thinks we have asserted too many terms, we can address it at that point, but I don't think that will be an issue if we're down to 10.

MR. NELSON: Your Honor, just briefly on ***Fenster***.

THE COURT: No. Mr. Nelson, I've heard enough. Thank you.

MR. NELSON: Thank you.

THE COURT: Let me, because I only have a couple more minutes with you all and I'm ready to give you my rulings.

First, on the related issues essentially of plaintiff's motion to compel gobble Google to respond to the now, I guess it is, 36 infringement contentions and the defendant's request that the plaintiff reduce the number of asserted claims, all of which in my view are tied up with how we're going to proceed in an orderly fashion through Markman and then ultimately to trial.

What I am doing is modifying the scheduling order such as to require Google to respond with its invalidity contentions in response to the now 36 asserted claims that have been charted by the plaintiff, and Google has 21 days from today to do that, so three weeks.

Within 10 days after Google does so, the plaintiff will reduce the asserted claims to no more than 15.

What I further want the parties to do is, in response to these rulings, is to meet and confer and propose to the Court a modification to the scheduling order which sets out the procedures and timing for identifying and briefing a total of no more than 12 claim terms for the Court to construe at a Markman hearing. After we get your proposals as to the timing of the Markman briefing process,

we'll set a Markman hearing date.

In my view, all of this reasonably accommodates the competing interests not only of both parties but also of the Court and ultimately of the jury. The Court can only do so much. We can only handle so many disputes. The jury can only be expected to work through so many asserted claims; and I certainly would hope but am not at this time ordering that the number of asserted claims get reduced further as we proceed to trial. I'm not requiring that at this time.

I recognize I have an obligation before the case is submitted to the jury to construe whatever claim terms are meaningfully in dispute at that point, so if it turns out that further claims construction is necessary later in the case, if need be, we'll do that.

My hope further is that the issues of invalidity and infringement for all the claims at issue in this case can be resolved in a single trial. If it turns out that that becomes impossible because somehow the case remains too large, then we'll just have to just deal with that further down the road.

So that's my ruling on those first two related disputes.

With respect to plaintiff's request to modify the scheduling order to the extent the scheduling order bifurcates this case as between essentially liability issues

and damages issues, I'm denying plaintiff's request. It's very explicit, of course, and not disputed that it is explicit in the scheduling order by Judge Farnan that the bifurcation provision is there. The dispute was flagged by Judge Farnan in the cover letter that accompanied the parties' proposed scheduling orders. It's also flagged for Judge Farnan in the proposed scheduling orders themselves.

I have every reason to believe that Judge Farnan gave careful consideration to what was before him, and I'm certainly not inclined to revisit his decision. There was no timely motion for reconsideration.

The letter was filed and certainly had a great deal of argument in it, but I must presume that because either what happened was because it wasn't filed as a motion, it was perhaps overlooked by Judge Farnan, and that would be understandable since it wasn't filed as a motion, and a motion today would be untimely, or, alternatively, it was reviewed by Judge Farnan and he determined that it lacked merit. Either way, I'm not revisiting his decision and the case will remain bifurcated.

Finally, on the dispute as to the depositions of the inventors, this is a difficult call but I'm ultimately going to rely on the language that is in the parties' agreement: two seven-hour days. There is nothing in that language that says that the two days have to be consecutive

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

- - -

SOFTVIEW LLC,

Plaintiff,

v.

APPLE INC., and AT&T MOBILITY LLC,

Defendants.

: CIVIL ACTION

: NO. 10-389 (LPS)

- - -

Wilmington, Delaware
Tuesday, September 6, 2011
Telephone Conference

- - -

BEFORE: HONORABLE **LEONARD P. STARK**, U.S.D.C.J.

APPEARANCES:

- - -

BLANK ROME, LLP
BY: STEVEN L. CAPONI, ESQ.

and

IRELL & MANELLA
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SAMUEL K. LU, ESQ.
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Counsel for Plaintiff

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and

Brian P. Gaffigan
Registered Merit Reporter

APPEARANCES: (Continued)

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BY: JOSH A. KREVITT, ESQ.,
(New York, New York)

and

GIBSON DUNN & CRUTCHER, LLC
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ALISON WATKINS, ESQ.
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Counsel for Defendants

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P R O C E E D I N G S

(REPORTER'S NOTE: The following telephone conference was held in chambers, beginning at 3:48 p.m.)

THE COURT: Good afternoon, counsel. This is Judge Stark. Who is there, please?

MR. MOORE: Good afternoon, your Honor. On behalf of the defendants, it is David Moore at Potter Anderson. With me on the line from Gibson Dunn are Josh Krevitt, Mark Lyon, Stuart Rosenberg and Alison Watkins.

THE COURT: Okay. Thank you.

MR. CAPONI: Good afternoon, your Honor. It's Steve Caponi from Blank Rome for the plaintiff, and with me today is Amir Naini.

In the Stamps.com case, which the Federal Circuit addressed very recently, the plaintiff had asserted 629 claims over 11 patents; and the District Court, before Markman, limited the plaintiff to 15 claims.

We had a typographical error incidently in our letter, your Honor, for which I apologize. We said 11 claims. The real number was 15. But it was 15 claims over 11 patents, a reduction from 629 claims, which the Federal Circuit upheld.

So that is all done, all of those limitations are routinely done before Markman and are done to the kinds of numbers that are more favorable to a defendant than the defendants are proposing in this case.

So for those reasons, given that everyone, the Court previously, the plaintiff on this call and in their letter have agreed that there should be a reduction in the number of asserted claims before Markman, and that we have a Markman process to begin October 14th, we would respectfully request that your Honor order SoftView to limit the number of asserted claims at least three weeks -- we would prefer four weeks, but at least three weeks before the October 12 date, and that the reduction of asserted claims be to 10.

THE COURT: Thank you. This is a discretionary decision and, therefore, has got to be decided on case specific factors and is not always going to be precisely the

same in each case.

Having thought about and having heard the argument and looked at the materials beforehand and really considered that there are so, so many asserted claims here, 350, and that there has been no reduction yet, and that everybody is in agreement that some time prior to Markman there needs to be substantial reduction, having factored all of that in, in this particular case, my ruling is that the plaintiff is hereby directed to reduce the number of asserted claims to no more than a total of 20 -- 20 asserted claims by no later than three weeks before the start of the Markman process, which I am told by both parties is currently set for October 12th. There will need to be a further reduction of asserted claims some time later in the case.

Also, the Court is also hereby ordering that the parties are limited to present at the initial Markman hearing no greater than a total of 15 disputed patent claim terms. Again, as was discussed in February, the Court recognizes it ultimately has an obligation some time prior to charging the jury to resolve any material disputes with regard to construction of claim terms and claims, but that does not, in the Court's view, mean that everything needs to be decided at the Markman hearing at this point in the case.

So the parties are limited to asking the Court to construe no more than 15 disputed terms. Of course, if

you don't need 15, that's fine. You are not obligated to ask the Court to resolve 15.

All of these decisions are based on the scheduled as it currently exists, and I don't have before me any request to modify the schedule at this time. If I do get such a request, I will consider it when I get it, but my ruling, again, is to reduce the number of asserted claims to no more than a total of 20. They can be broken down between the two patents in whatever way that the plaintiff wishes, but no more than a total of 20 by no later than three weeks prior to the start of Markman process.

I don't want any more argument, but let me make sure I have been clear on what I have ruled on both issues and make sure there are no questions at this time.

First, Mr. Naini.

MR. NAINI: Your Honor, just as a housekeeping matter and because it affects a date on the case schedule. I wanted to ask if the Court can tell the parties anything about when it might rule on the pending motion to amend to add additional parties.

THE COURT: I don't have anything to tell you other than that I am aware of the motion.

Is there anything else, Mr. Naini?

MR. NAINI: No. Thank you, your Honor.

THE COURT: Mr. Krevitt?

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

- - -

NUVASIVE, INC.,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
GLOBUS MEDICAL, INC.,	:	
	:	NO. 10-849-LPS
Defendant.		

- - -

Wilmington, Delaware
Thursday, November 3, 2011
TELEPHONE CONFERENCE

- - -

BEFORE: HONORABLE LEONARD P. STARK, U.S.D.C.J.

- - -

APPEARANCES:

FISH & RICHARDSON, P.C.
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and

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and

APPEARANCES (Continued):

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Counsel on behalf of Globus Medical, Inc.

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P R O C E E D I N G S

(REPORTER'S NOTE: The following telephone conference was held in chambers, beginning at 1:50 p.m.)

THE COURT: Good afternoon, everybody. This is Judge Stark. Who is there, please?

MR. HORWITZ: Good afternoon, your Honor. It's Rich Horwitz in Wilmington for Globus; and with me is Shane Nelson from Winston & Strawn.

THE COURT: Okay.

MS. ELLIOTT: Good afternoon, your Honor. This is Tara Elliott with Fish & Richardson on behalf of the plaintiff NuVasive; and I have with me my counsel, Michael Amon from the San Diego office.

THE COURT: That is everybody, correct?

MR. HORWITZ: Yes, your Honor.

THE COURT: All right. I have a court reporter here with me; and this is our case of NuVasive Inc. versus

need to provide a reasonable number of claims that we can go forward with even for our contentions before expert reports. That is why we raised this issue when we did.

When we have our noninfringement contentions, I mean, your Honor, we have our noninfringement contentions due in two weeks. They won't have to respond on invalidity until they see our expert reports. They have a pretty good idea of what we're relying on from our contentions, and they'll have a better idea then. And,

Still, I haven't heard anything where Mr. Amon has suggested that the equities that he is requesting here are supported by any of the cases that either side has discussed, and the typical pattern that this Court and other courts have done, which is to require some narrowing of the asserted claims much earlier and then, frankly, when we get close to trial -- and I know we have done this with your Honor before, even in the context of a pretrial conference, where the parties say at that point, yes, we're going to limit, we're going to "really" limit now, we're going to "really" limit our number of the claims that we're going to go forward on, and we're going to "really" limit our number of prior art references.

But they're not apples and apples, they're apples and oranges, so we don't think we should be held to the same timetable that they should be held consistent with

the practice in this court and other courts.

THE COURT: Okay.

MR. AMON: Your Honor, this is Mike Amon. If I may, just one point.

THE COURT: Go ahead.

MR. AMON: I take issue with Mr. Horwitz's position that we can determine where they're coming from on validity given the breadth of their invalidity contentions as they stand now.

That is the only point I want to raise.

THE COURT: Okay. Thank you.

Well, let me tell you what we are going to do.

In my view, the dispute that is clearly and fully before me is simply the request by Globus that the Court order a reduction in the number of asserted claims. The request is that they be reduced from 55 to 15 and that they be done some time before November 18th.

I'm going to grant in part and deny in part that request.

I am going to require that the plaintiff reduce the number of asserted claims to 15, which is five per patent, although the number 15 did not need to be met by five per patent. It can be a total of 15 however allocated among the patents in suit as plaintiff wishes. And,

I'm not going to make the plaintiff do that in

the next week or two. I am going to give them approximately 60 days from now to do it. I'll give them until January 15th, 2012 to do it.

In the Court's view, this balances the party's competing interests as well as the Court's interest in managing this case and all of its other cases in an effective and reasonable and efficient manner.

I recognize that this ruling requires, as a consequence, that the defendant will have to provide its noninfringement contentions with respect to all 55 asserted claims that are currently in the case. In the Court's view, given how the case has developed and where we are now, that is not inappropriate. Therefore, that burden is on the defendant and it will have to meet that burden.

While I recognize that the parties view it as essentially coincidental that this dispute arose in the middle of the ongoing Markman process, the Court is very focused on the Markman process. Having had a chance to look at your case a bit in the course of preparing for today, the Court is going to, and hereby does, reduce the number of claim terms that are in dispute -- that is, that are not in dispute but the number of disputes that the Court will resolve in connection with the ongoing Markman process.

We will resolve no greater than 15 disputes with respect to claim terms in connection with the upcoming

Markman hearing.

Therefore, in your upcoming answering claim construction briefs, you need, and should, only address a maximum of 15 disputes. And, I'm going to direct the parties to meet and confer and to agree on that list of 15 and advise the Court of that list of 15 no later than next Wednesday.

Again, while I understand there may be additional disputed terms beyond the 15, it's my view that I am not obligated to resolve every claim dispute that the parties have in connection with the Markman process. I need to resolve them all by the time I charge the jury but, of course, that is a long time away, and there is no guarantee whatsoever, as counsel who have practiced in front of me know, there is no guarantee as to when you will get a Markman ruling, and you should assume for purposes of plan that you will not have a Markman ruling before your expert reports are due, although you may have one but you should assume you won't.

All else being equal, the fewer disputes we have to resolve in connection with the Markman process, the more efficient we can be in doing so, and that is part of what motivates the ruling today with respect to the number of disputes that the Court will resolve in connection with the Markman.

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLOUDING IP, LLC,)
)
Plaintiffs,)
) C.A. No. 12-638-LPS
v.)
)
)
APPLE, INC.,)
)
Defendant.)

Thursday, January 3, 2013
4:05 p.m.

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE LEONARD P. STARK
United States District Court Judge

APPEARANCES:

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BY: STEPHEN B. BRAUERMAN, ESQ.

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BY: LAWRENCE MACON, ESQ.
BY: MELANIE COWART, ESQ.

Counsel for Defendant Rackspace

just, given this new deposition proposal, that the witnesses, especially 30(b)6 witnesses, all these companies, while they may -- although others can confirm do business in the U.S., they are global companies. And there are witnesses overseas.

And I understand that we're not sure about the fact that, you know, it is unlikely that there may even be witnesses overseas. But, however, to the extent that they're working overseas, we would request that those witnesses be made available where the witnesses reside.

THE COURT: All right.

MS. YOUNG: Especially because -- sorry.

THE COURT: That's okay. Thank you.

Let me tell you what I want to see in the new version of the Proposed Scheduling Order. And I hereby order that the plaintiff, on behalf of all parties, submit a revised Proposed Scheduling Order and to do so next Monday consistent with the rulings I am going to give you.

First, in terms of the timing for the default standard disclosures and production there, this is the dispute at Pages 2 and 3 of your proposal. I agree on the first issue with the plaintiffs. I think the 70 days will be adequate, even though I recognize there are a large number of patents at issue here.

So the first sentence of plaintiff's proposal should appear in the Order. However, I agree with the defendants on the definition of accused product being narrowed here to the accused functionalities of the accused product as set out in the second paragraph of defendants' proposal.

I think it's important with this many patents, and this many parties and this many related cases that we take serious efforts to narrow things right from the start. And I think this definition of accused product is appropriate in this case.

Next, in terms of narrowing the asserted claims, I'm going to adopt a two-part structure like plaintiffs now propose. What was their number two and number three, obviously, it

will now become number one and number two. Those dates are fine.

But the narrowing will be even more stringent than what the plaintiffs propose at step one. The number of patent claims will be limited to no more than 40.

And at step two, it will be limited to no more than 20. I think it's appropriate to narrow to try to keep this case at some sort of manageable scale for the Court and for the parties.

I think it's appropriate to do it in two steps to reduce somewhat before the Markman Order and to reduce further after the Markman Order. And let me just note as an aside, even though that means there's going to be quite a lot of patents and quite a lot of patent claims, at issue, at the time of the Markman, I will not necessarily be construing an unlimited number of patent claims or patent terms that may or may not be in dispute.

I'm not setting a limit right now on the number of disputes that we'll resolve in connection with the initial Markman process. But

the parties should not expect that if they come with an outrageous number of disputes, that we will resolve an outrageous number of disputes.

Beyond that, that takes me to the document production date. We'll go with the defendants' proposed date there.

Document production substantially complete by October 11th, 2013. That's an appropriate date, given the scale of the case and given where the case will be. It's an appropriate point in the schedule as defendants propose.

On the number of deposition hours, I'm also going to go with the defendants' proposal there. I think what the defendants have proposed is adequate as an initial manner.

If the plaintiffs find, after they are getting close to using the 70 hours for each defendants there, that they need more, you all meet and confer. And if the defendants are being unreasonable, come to the Court. And if you make a showing that it's appropriate, I will expand the number of hours at that time.

Likewise, I think it's appropriate,